

**International Law (GO 229)—Prof. Ginsberg—Ladd 307—MWF 10:10-11:05 am
Office Hours (Ladd 314) MF 8:30-10:00 am, M 12:15-2:15 pm, W 8:30-9:00 am and 12:15-1:00 pm;
and by appointment**

Ten Course Objectives

- introduce students to the history, theory, principles, norms, rules, sources, and concepts of modern international public law
- identify the key governmental, nongovernmental, and other actors in the international legal system
- familiarize students with the types, subjects, objects, and instruments of international public law
- explore the relationships between international law and national law
- examine the scope of and limits to international law by examining landmark cases, opinions, customs, and practices
- analyze the relevance of international law to (a) international peace and security; and (b) international humanitarian affairs, economics, antiterrorism/anticrime, and the environment
- evaluate international law in terms of its use, enforcement, and universal application
- imagine a world without the existence of international law
- sharpen such critical skills as legal analysis and argumentation and written and oral presentation
- prepare students for more advanced coursework in government and international affairs and for those considering a career in these fields and/or in international law

Course Requirements

- three quizzes (each 10 percent)*
- one final exam or project (20 percent)*
- three five-page written exercises (10 percent each)**
- participation in scheduled classroom exercises (10 percent), such as presentation of legal briefs/opinions, roundtable discussions, consideration of current international legal issues, and/or responses to difficult yet interesting legal questions/problems that arise from the readings of cases found in the textbook
- participation in discussion of readings; responses to study questions; definitions of key concepts; and regular class attendance (10 percent)***

*All quizzes must be taken as scheduled—no exceptions.

**To assure fairness to all, there can be no late submissions of required work. All deadlines are posted in syllabus. The Government Department stresses the importance of good writing skills as part of your education in government. See attached departmental “Writing Statement.”

***The Government Department stresses the importance of mutual respect in the classroom. See attached “Policy on Civility and Comportment in the Classroom.” Turn off cell phones. No text messaging or other disruptive activity. No unexcused absences and no late arrivals.

Required Text

- Slomanson, *Fundamental Perspectives on International Law*

The text website features links to treaties and other legal texts, definitions of legal concepts, books and articles, and other useful sources: <http://home.att.net/~slomansonb/txtcsesite.html>

Seton Hall University School of Law International Law Lecture Videos on Reserve

Nature and Sources of International Law
States in International Law
Law of Treaties
International Organizations

International Dispute Settlement
Use of Force
International Criminal Law

Other Readings/Films on Reserve

- *In Search of International Justice*, DVD KZ6250.15 2006 (67 min.)
- “Three Lenses: Realism, Liberalism, and Constructivism” in *International Law and International Relations* by David Armstrong et al
- “The International Response to Terrorism” in *International Law* by Antonio Cassese
- “The Repression of International Crimes” in *International Law* by Antonio Cassese

Schedule of Lectures, Reading Assignments, * Films, Quizzes, Paper Submissions, and Classroom Exercises

* bring to class the text assigned for scheduled reading as references will be made to it; key concept definitions and responses to study questions will be assigned and are due at start of class

Part One: International Law in History and Theory

- 1-21 Introduction to the Course. Ch. 1, pp. 1-36
1-23 Defining International Law. Ch. 1, pp. 36-54
1-26 States in International Law. Ch. 2, pp. 65-85
1-28 States in International Law. Ch. 2, pp. 85-110
1-30 Video Lecture and Discussion: *Nature and Sources of International Law and States in International Law*
2-2 Theories of International Politics Related to Law. Hand-out

Part Two: International Law in Practice

- 2-4 International Institutions. Ch. 3, pp. 117-158
2-6 Video Lecture and Discussion: *International Organizations*
2-9 International Institutions. Ch. 3, pp. 158-184
2-11 Individuals and Corporations in International Law. Ch. 4
2-13 Review
2-16 First Quiz (chapters one-four)
2-18 Extraterritoriality. Ch. 5
2-20 State Sovereignty. Ch. 6, pp. 267-280
2-23 State Sovereignty. Ch. 6, pp. 280-318
2-25 Diplomatic Relations. Ch. 7
2-27 Treaties. Ch. 8. Lecture Video and Discussion: *Treaties*
3-2 Classroom Exercise
3-4 Review. First Paper Due.
3-6 Second Quiz (chapters five-eight)

Part Three: International Conflict, Conflict Resolution, and Criminal Justice

- 3-16 Arbitration and Adjudication. Ch. 9, pp. 389-414
3-18 Arbitration and Adjudication. Ch. 9, pp. 414-448
3-20 Use of Force. Ch. 10, pp. 445-488; Video Lecture and Discussion: *Use of Force*
3-23 Use of Force. Ch. 10, pp. 488-522
3-25 Video Lecture and Discussion. *Dispute Settlement*
3-27 International Crimes, Cassese, “The Repression of International Crimes” in *International Law*; Video Lecture and Discussion: *Criminal Law*
3-30 Discussion of film on the ICC--*In Search of International Justice* (view DVD ahead of discussion)
4-1 Introduction to Part Four: Human Rights. Ch. 11, pp. 529-552
4-3 Classroom Exercise. Second Paper Due

Part Four: Human Rights, Environmental, and Economic Law

4-6	Human Rights. Ch. 11, pp. 552-572
4-8	Human Rights. Ch. 11, pp. 572-585
4-10	Environmental Law. Ch. 12
4-13	Terrorism and Law. Cassese, "The International Response to Terrorism"
4-15	Economic Law. Ch. 13
4-17	Classroom Exercise
4-20	Review
4-22	Study Day. Third Paper Due.
4-24	Third Quiz (Chs. 9-12)
4-27	Final Classroom Exercise
4-29	Course Conclusions and Evaluation

Seton Hall Law School Video Series on International Law—Study Questions
Provide examples to explain and make concrete what you write. Avoid generalization

Nature and Sources of International Law (KZ 3092 I59 1995 v. 1)

1. What is your early/working draft definition of international law?
2. What are the key elements of sovereign equality under contemporary international law?
3. Why do most nation-states observe nearly all principles of international law? Give three reasons.
4. What are three major sources of international law, each with an example?
5. Why is international law considered to be one of the most dynamic fields of law?
6. Compose and answer a central probing question related to this film lecture.

States (KZ 3092 I59 1995 v. 2)

1. What are four essential requirements for statehood? Explain each.
2. What is state sovereignty and why is it "relative"?
3. Why and how does international law restrict state sovereignty? Give three examples.
4. Is recognition of a state by other states necessary for statehood? Explain.
5. What is the difference between a state and a government?
6. What are the rights and duties of states according to international law?
7. What is sovereign immunity? How has it been restricted?
8. What is the 1961 Vienna Convention on Diplomatic Relations and what is it important?
9. What is diplomatic immunity and why is it important in international relations?
10. What happens to the rights and duties of a government of a state that disintegrates?
11. Compose and answer a central probing question related to this film lecture.

International Organizations (KZ 3092 I59 1995 v. 5)

1. When and why were international governmental organizations (IGOs) first formed?
2. Define IGO. What IGOs were established in the 19th century?
3. What is the difference between an international congress/conference and an IGO?
4. How do nongovernmental organizations (NGOs) differ from IGOs? Give two examples of NGOs.
5. What are the rights and obligations of IGOs?
6. What are the main purposes of the UN?
7. What are the primary organs of the UN and their main functions?
8. What are the conditions of membership in the UN?
9. How do countries join the UN?
10. Compose and answer a central probing question related to this film lecture.

Treaties (KZ 3092 I59 1995 v. 3)

1. What is a treaty and what does it do?
2. What are the different kinds of treaties?
3. What is the difference between customary international law and treaty law?
4. What is the International Law Commission and what does it do?
5. What is the major international legal objective of the UN?
6. How many international treaties have been registered with the UN since the end of WWII?
7. Are international organizations created by treaty? Yes or no?
8. What are the four basic steps in the treaty-making process?
9. What is the role of NGOs in drafting treaties?
10. What is the Vienna Convention on the Law of Treaties?
11. What are the obligations of a signatory state to a treaty before ratification occurs?
12. What are three grounds for a signatory state to terminate a treaty under international law?
13. Compose and answer a central probing question related to this film lecture.

Use of Force (KZ 3092 I59 1995 v. 6)

1. How did the UN Charter change international law regarding the use of force?
2. What powers does the UN Charter give the UN Security Council for maintaining international peace and security (IPS) and dealing with threats to and breaches of IPS?
3. What are the steps the UN Security Council may take to deal with threats to and breaches of IPS?
4. What example is there of a UN Security Council Resolution that authorizes UN member states to use all necessary means to implement Council resolutions dealing with a major breach of IPS?
5. Do UN member states have a right to use force? If so, under what conditions?
6. What is Article 51 of the UN Charter?
7. What are the problems with defining the right of states to "self-defense"?
8. May regional security arrangements use force to defend another state or group of states? If so, under what UN Charter conditions?
9. What is collective self-defense? What forms does it take?
10. What is Article 52 of the UN Charter?
11. The UN Charter forbids the UN and its member states to interfere in the domestic affairs of a member state. Why is this a problem for the UN in dealing with civil wars and genocide/crimes against humanity?
12. Define the doctrine of humanitarian intervention. Does international law provide a framework for such intervention?
13. Why is the doctrine of humanitarian intervention so controversial?
14. What is peacekeeping and how did it start?
15. Does the Charter provide for rules governing UN peacekeeping? If so, why? If not, why not?
16. Why didn't the UN act in the area of collective security during the Cold War?
17. Compose and answer a central probing question related to this film lecture.

International Dispute Settlement (KZ 3092 I59 1995 vol. 7)

1. What were the Permanent Court of Arbitration and the Permanent Court of International Justice (give dates), how did they compare and differ, and what impact did they have on the early development of dispute settlement law?
2. What is the ICJ's main function and on what legal bases does it have jurisdiction to adjudicate?
3. Who may bring matters to the attention of ICJ and why?
4. Whose responsibility is it to carry out ICJ decisions and why?
5. What are the roles of the UN Security Council, Secretary-General, and General Assembly in dispute settlement?
6. What are eight major methods of settling international disputes?
7. Compose and answer a central probing question related to this film lecture.

International Criminal Law

1. What is an international crime?
2. In international law, what are the five bases on which criminal jurisdiction is predicated?
3. What is the principle of *jus in bello*, what form does it take, and why is it important in international law?
4. Why did the International Military Tribunal at Nuremberg mark a turning point in efforts to define and institutionalize international criminal law?
5. What three specific crimes were the focus of the Nuremberg Tribunal?
6. What are the objectives of the International Criminal Court?
7. Why is there a need for criminal prosecution of transnational crimes and why is it hard to prosecute such crimes?
8. Compose and answer a central probing question related to this film lecture.

Human Rights

1. What was the first attempt to comprehensively regulate human rights on a universal level?
2. Why didn't the UN Charter incorporate a Bill of Rights in 1945?
3. What does the UN Charter say about intervention in domestic affairs of states?
4. How do minority rights differ from human rights?
5. What is the Universal Declaration of Human Rights, when was it adopted and by whom, and what are three examples of rights found in the Declaration? Is the Declaration legally binding?
6. What is the European Convention on Human Rights and what does it do?
7. Are human rights universal? If so, why? If not, why not?
8. Compose and answer a central probing question related to this film lecture.

Instructions for Assignments

Student Participation and Contribution

Students are expected to bring the relevant reading to class each day, arrive on time to discuss reading and film and other assignments, and submit responses to study questions and key concepts as assigned. No unexcused absences are permitted. Missing class before Spring or Thanksgiving break in order to fly or drive home early is not permitted. Each unexcused absence beyond the first instance will result in a full letter drop in the participation grade. If students cannot make class, for whatever reason, they are required to let Dr. G. know before the start of class by phone. Since late arrivals to class are disruptive, students are asked to arrive on time. For each late arrival beyond the first two, the student will suffer a half-letter grade drop in the participation grade. Please consult the appended Government Department "Policy on Civility and Comportment in the Classroom." Due dates for assignments and scheduled exams, which are detailed in the syllabus, are fixed and cannot be changed. In fairness to students who meet deadlines, and to best prepare for the "zero tolerance" of late work in either graduate/law school or the workplace, no late submissions will be accepted. In order to anticipate last minute hitches, do not wait until it is too late to print out a document. Students are asked not to send the professor their written work by electronic mail.

Exercises

Study Questions. Responses to study questions and problem-solving exercises—which serve as written assignments for students and lend structure to lectures and discussion—are required as assigned. The questions are designed to encourage students to think creatively and analytically on the basis of what they have learned in the reading (or film). Dr. G. may require students either to submit their written responses for evaluation or to come to class prepared to discuss them.

Key Concepts. Key concepts are building blocks in students' understanding of the basic principles of international law. Dr. G. assigns key concepts for each chapter. For each key concept students should

provide a crisp definition, offer a date and an example when appropriate, and explain how the concept is relevant to the study or practice of international law. Students are more apt to learn, define, and remember key concepts if they first understand the context and significance of those concepts. Students may wish to reserve a section in their notebooks for a glossary or use note cards. Students should find their definitions in the assigned text/text website or in the lectures (**not** other non-course sources). Dr. G. may require students either to submit their key concepts for evaluation or to come to class prepared to define key concepts in the course of discussion. Students' knowledge of key concepts is tested in the quizzes.

Writing Exercises and Roundtables. There are three writing exercises which ask students to address a legal question or legal issue. Instructions to follow. In a roundtable discussion, a group of participants, led by a moderator, focuses on a preassigned set of questions/themes. The discussion starts with an introduction of the participants and a summary of the issue or problem to be discussed followed by a *tour de table*. Each individual speaks 4-5 minutes. This is followed by a general discussion. The roundtable ends when the moderator asks each participant to summarize main points (2-3 minutes each). Topics to be assigned.

Department of Government Writing Statement

The Government department faculty believe that the ability to produce grammatical, lucid prose is a prerequisite for clear thinking and cogent argumentation. Department members therefore take note of the quality of the writing when assessing student work, and each faculty member may shape her or his grading policies accordingly. Competence in written expression is one of the defining properties of a liberally educated person. Writing well also has practical value. We offer as evidence of this a comment by one of our alumni, a successful lawyer:

My experience has taught me that the single skill most lacking in college graduates is the ability to craft proper written arguments. Professors should emphasize grammar and sentence structure at all course levels. In order for your graduates to succeed, they must be able to express themselves perfectly in writing. Anything less dooms them to failure.

The most important way that students can improve their writing is by reading and responding to instructors' comments on their assignments. Failing to read such comments and revise accordingly constitutes a refusal to take advantage of one of the key benefits of a liberal arts education. The "conversation" that occurs between faculty and students through the medium of student exams and papers is singular to liberal arts colleges. Your peers at larger institutions do not necessarily enjoy the benefits that accrue from having full-time teacher-scholars read and comment on their writing. We urge you to take advantage of your privileged position. There are also several other ways that students can improve their writing outside of the classroom:

1) Read widely and voraciously. Your reading should not be confined to your coursework. The more you read, the more you will learn about grammar, syntax, organization, and style. Try to read as many different "genres" as possible (e.g., history, biography, memoirs, fiction, etc.). *The*

New York Times Sunday Book Review and *The New York Review of Books* provide both concise and lengthy reviews of recently published books that can help you distinguish the flawless from the fatuous. You should also not hesitate to ask faculty for book recommendations.

2) Purchase a "style manual" or a "grammar and usage guide." Even the most fluid writers sometimes need help with a grammar rule. The Skidmore Guide to Writing is a good place to start. We also strongly recommend that students purchase *The Chicago Manual of Style*. Students who aspire to more than mere competency should purchase both *The Elements of Style*, by William Strunk, Jr. and E.B. White and *A Dictionary of Modern English Usage*, by H.W. Fowler. "Strunk and White," as the former is affectionately known, is not technically a style manual, but it remains the most readable, succinct primer on how to generate correct and compelling prose. "Fowler" was an "epoch-making book" well before Winston Churchill invoked it during WW II to chastise the Director of Military Intelligence for using "intensive" rather than the correct "intense" in the plans for the invasion of Normandy. It remains the essential source for those who are "not satisfied with catching the general drift and obvious intention of a sentence" but insist that "the words used must... actually yield on scrutiny the desired sense."

3) Look up unfamiliar words in a dictionary. You cannot know the "right word" if you only know the "wrong words." It is important to look up every word whose definition eludes you. Poor word choice can cause misinterpretations and misunderstandings. To paraphrase Abraham Lincoln, there is a difference between "a horse chestnut and a chestnut horse."

4) Keep a "commonplace book." One records in a commonplace book particularly well-written, insightful, or meaningful passages from his or her reading. Thomas Jefferson knew that mimesis could be an effective learning technique. He kept a commonplace book for most of his life, and no one ever accused him of being "derivative" (though he may have cribbed a bit from John Locke). Your commonplace book does not need to be a leather-bound, gold-embossed folio. A spiral notebook will do the job. By transcribing trenchant quotations, sublime turns of phrase, or vivid vignettes from your reading, you will improve your ability both to identify and to produce exquisite prose.

5) Write "e-letters." We recognize that the only people who compose letters today are those perverse few who cannot get enough of *Dangerous Liaisons*. Email and instant messages have developed their own conventions that abet rapid communication but are contrary to the rules of "formal writing." This is unfortunate because electronic communications provide students with excellent opportunities to improve their writing. Crafting a readable and memorable "e-letter"

requires the same skills as those needed to compose a clear and compelling argument. John Adams averred in one of his letters to Thomas Jefferson that, "You and I ought not to die before we explain ourselves to each other." E-letters can help you to "explain yourself" to others in ways that are transferable to your coursework.

Department of Government Policy on Civility and Comportment in the Classroom

The classroom experience is the heart of liberal education, and as such is the most important aspect of your Skidmore College education. Presumably, if you did not agree you would not be attending Skidmore. The faculty of the Government Department takes this understanding as the basis of our educational efforts. It is in an attempt to honor the centrality of the classroom experience that we offer this department policy on civility and comportment.

As is stated in the Student Handbook, your presence at Skidmore College is contingent upon your acceptance of, and full adherence to, the Skidmore College Honor Code. This honor code is distinct from the oath you take when writing a paper or taking an exam – it is in fact much more all-encompassing, and much more demanding.

The Code includes the following statement: *"I hereby accept membership in the Skidmore College community and, with full realization of the responsibilities inherent in membership, do agree to adhere to honesty and integrity in all relationships, to be considerate of the rights of others, and to abide by the College regulations."* Elsewhere, the Code also calls all Skidmore students to *conform to high standards of fair play, integrity, and honor."*

What does it mean to do act honestly, with integrity, and according to high standards of fair play, particularly in the classroom? In our view, it includes, minimally, the following.

1. No student shall lessen the learning experience of others in the classroom by arriving late to class.
2. No student shall lessen the learning experience of others in the classroom by leaving the classroom while class is in session, except for true medical emergencies.
3. Cell phones must be turned off during class.

4. No student shall disrupt the learning experience of others in the classroom by talking to a neighbor, writing notes to other students, reviewing one's mail, reading the newspaper, completing homework for other classes, or playing with the laptop computer, while class is in session.

5. No student shall disrespect other Skidmore students, professors or the housekeeping staff by putting feet on the desks or other furniture in the classroom, or by leaving trash, food, or recyclables in the room at the end of the class session.

While we will hold all students to these minimal expectations, we also have some suggestions for those who seek to go beyond the bare minimum of civil classroom comportment to become the type of mature, responsible, active learners who are an asset to any classroom and society at large. These include the following.

6. Every student should take copious and meaningful notes both on assigned readings and during classroom sessions. Note taking is an important skill—if you do not already possess it, you should acquire it.

7. Every student should take some time to review the notes that he or she has taken on the day's assigned reading before each class meeting. You will be amazed how much more invested and engaged in the class you will feel if you go into the classroom well-prepared.

8. Disruptions in class can be a significant impediment to learning, and no member of the Skidmore community—including faculty and students—should tolerate them. Thus every student should take responsibility for holding his or her peers and classmates to both high academic standards and high standards of civility. If people around you are chatting, passing notes or otherwise detracting from the overall quality of YOUR classroom experience, don't let them get away with it.

9. Individual faculty members in the Government Department will determine the level of sanctions for disruptive behavior.